

PROHIBITED ACTIVITIES OF GANG OFFENDERS

2009 GENERAL SESSION

STATE OF UTAH

LONG TITLE**General Description:**

This bill modifies the Criminal Code regarding prohibitions imposed on persons convicted of a criminal gang-related offense.

Highlighted Provisions:

This bill:

- ▶ provides that a person convicted of a crime for which the sentence is enhanced due to the offense being gang-related may not possess a dangerous weapon, ammunition, or a facsimile of a firearm for five years and that a violation is a class A misdemeanor; and
- ▶ provides that any greater penalty under another section of the Criminal Code that restricts the possession of a dangerous weapon to a greater degree supersedes the restrictions of this provision.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

76-9-804, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **76-9-804** is enacted to read:

76-9-804. Convicted criminal gang offender -- Prohibition.

(1) A person who has been convicted of a crime for which the penalty was enhanced under Section 76-3-203.1 may not, except where a greater penalty is applicable under this title, possess a dangerous weapon as defined in either Section 76-1-601 or 76-10-501, ammunition, or a facsimile of a firearm within five years after the conviction.

33 (2) A violation of Subsection (1) is a class A misdemeanor.